

Notice of Allowability

Application No.

10/532,911

Examiner

Taghi T. Arani

Applicant(s)

STEENHOF ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/28/2007.
2. ☒ The allowed claim(s) is/are 1-3, 5-10 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The text of those sections of Title 35 U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference.
3. Claims 4 and 11 have been cancelled.
4. Claims 1-5-10 have been amended.
5. Claims 1-3, 5-10 and 12, now re-numbered as claims 1-10 are pending.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul IM on 4/4/2007.

Claims 7-8, 10 and 12 have been replaced with:

7. (currently amended) A computer program stored on a computer readable storage medium arranged to perform a method comprising the steps of:
 - receiving a portion of an information signal bit-stream;
 - storing a first copy of the received portion in a first buffer;
 - watermarking a second copy of the received portion;
 - storing the resulting watermarked signal in a second buffer;

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performing a check at predetermined intervals to determine if the bit-rate of the received portion has been changed by being watermarked; and

outputting the first copy of the received portion from the first buffer if the check determines the bit-rate has changed, otherwise outputting the watermarked signal from the second buffer;

wherein said information signal bit-stream comprises a series of packets, the predetermined interval corresponding to the first buffer receiving an integral number of said packets.

8. (currently amended) A machine readable storage medium comprising a computer program configured to instruct a machine to perform the steps of receiving a portion of an information signal bit-stream;

storing a first copy of the received portion in a first buffer;

watermarking a second copy of the received portion;

storing the resulting watermarked signal in a second buffer;

performing a check at predetermined intervals to determine if the bit-rate of the received portion has been changed by being watermarked; and

outputting the first copy of the received portion from the first buffer if the check determines the bit-rate has changed, otherwise outputting the watermarked signal from the second buffer;

wherein said information signal bit-stream comprises a series of packets, the predetermined interval corresponding to the first buffer receiving an integral number of said packets.

10. (currently amended) A method of generating [A] a watermarked information signal comprising ~~formed by performing~~ the steps of :

receiving a portion of an information signal bit-stream;

storing a first copy of the received portion in a first buffer;

watermarking a second copy of the received portion;

storing the resulting watermarked signal in a second buffer;

performing a check at predetermined intervals to determine if the bit-rate of the received portion has been changed by being watermarked; and

outputting the first copy of the received portion from the first buffer if the check determines the bit-rate has changed, otherwise outputting the watermarked signal from the second buffer;

wherein said information signal bit-stream comprises a series of packets, the predetermined interval corresponding to the first buffer receiving an integral number of said packets.

12. (original) An apparatus for embedding a watermark in an information signal bit-stream, the apparatus comprising:

a receiver for receiving a portion of an information signal bit-stream;

a first buffer for storing a first copy of the received portion;

a watermarker for watermarking a second copy of the received portion;

a second buffer for storing the resulting watermarked signal;

a controller arranged to perform a check at predetermined intervals to determine if the bit-rate of the received portion has been changed by the watermarking process; and

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a multiplexer arranged to output the first copy of the received portion from the first buffer if the check determines the bit-rate has changed, and otherwise to output the watermarked signal from the second buffer- ;

wherein said information signal bit-stream comprises a series of packets, the predetermined intervals corresponding to the first buffer receiving an integral number of said packets.

Response to Arguments

7. Applicant's arguments file 2/28/2007 have been fully considered and they are persuasive.

Allowable Subject matter

8. Claims 1-3, 5-10 and 12 are allowed over prior art of record.

Examiner's Statement of Reasons for Allowance

9. The following is an examiner's statement of reasons for allowance:

Newly amended independent claims 1, 5-10 and 12 are allowed in view of the above Examiner's Amendment and the amendment filed 2/28/2007. In particular, prior art of record singly or in combination does not teach or fairly suggests "a check at predetermined intervals to determine if the bit-rate of the received portion has been changed by the watermarking process", wherein said information signal bit-stream comprises a series of packets, the predetermined interval corresponding to the first buffer receiving an integral number of said packets and /or wherein said predetermined interval corresponds to at least one of the buffers being filled by a respective stored signal and/or wherein said predetermined interval is when a predetermined

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start code of the bit-stream is detected at a predetermined position within the first buffer, recited by independent claims 1, 5-10 and 12. Dependent claims 2-3 depend upon one allowed claim 1 and are therefore allowed by virtue of their dependencies.

None of the prior art of record, either taken by itself or in any combination, would have anticipated or made obvious the invention of the present application at or before the time it was filed.

Any comments considered necessary by applicant must be submitted no later than payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


10. Prior arts made of record, not relied upon:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Taghi T. Arani, Ph.D.
Primary Examiner
Art Unit 2131

4/4/07